

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Trevor Ozawa, Chair; Carol Fukunaga, Vice-Chair,
Ikaika Anderson, Brandon J.C. Elefante, Ann H. Kobayashi, Joey Manahan,
Ernest Y. Martin, Ron Menor, Kymberly Marcos Pine

Committee Meeting Held
July 21, 2015

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, which considered in executive session Resolution 15-211 entitled:

"RESOLUTION TO RETAIN THE SERVICES OF SNOW CHRISTENSEN & MARTINEAU OF SALT LAKE CITY, UTAH, AS SPECIAL DEPUTY CORPORATION COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT DR. WILLIAM GOODHUE IN A LEGAL ACTION ENTITLED: SANDRA VAN ORNUM V. AMERICAN MEDICAL ASSOCIATION, ET. AL., CIVIL NO. CV 2:14-00921 RJS-EJF,"

reports as follows:

The purpose of this Resolution is to authorize the appointment of the law firm of Snow, Christensen & Martineau, as Special Deputy Corporation Counsel, to represent defendant William Goodhue, M.D. in the above-referenced matter.

Your Committee, having been informed by the Department of the Corporation Counsel of the facts of the case and applicable law, finds that the law firm of Snow, Christensen & Martineau, should be appointed as Special Deputy Corporation Counsel to represent William Goodhue, M.D. in the above-referenced matter.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON AUG 5 2015

COMMITTEE REPORT NO. 285

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Trevor Ozawa, Chair; Carol Fukunaga, Vice-Chair,
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The total sum to be expended by the Special Deputy Corporation Counsel shall not exceed \$10,000.00; provided that this sum may be increased by the Council if it is satisfied with the justification for such increase.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 15-211 and recommends its adoption. (Ayes: Ozawa, Elefante, Fukunaga, Kobayashi, Manahan, Martin, Menor, Pine – 8; Noes: None; Excused: Anderson – 1.)

Respectfully submitted,



Committee Chair

At the 8/5/15 Council meeting, the Resolution was amended and subsequently adopted in the form attached hereto, as Resolution 15-211, FD1.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

AUG 5 2015

COMMITTEE REPORT NO. 285



RESOLUTION

TO RETAIN THE SERVICES OF SNOW, CHRISTENSEN & MARTINEAU OF SALT LAKE CITY, UTAH, AS SPECIAL DEPUTY CORPORATION COUNSEL FOR THE CITY AND COUNTY OF HONOLULU TO REPRESENT DEFENDANT DR. WILLIAM GOODHUE IN A LEGAL ACTION ENTITLED: SANDRA VAN ORNUM V. AMERICAN MEDICAL ASSOCIATION, ET. AL., CIVIL NO. CV 2:14-00921 RJS-EJF

WHEREAS, DR. WILLIAM GOODHUE is named as a defendant in a civil action entitled Sandra Van Ornum v. American Medical Association, et al., Civil No. CV 2:14-00921 RJS-EJF, filed in the United States District Court, District of Utah (the "Court"); and

WHEREAS, Defendant DR. WILLIAM GOODHUE was the Acting Chief Medical Examiner, during the relevant period of time, for the City and County of Honolulu; and

WHEREAS, based on a course and scope review, the Department of the Corporation Counsel has determined that Defendant DR. WILLIAM GOODHUE is entitled to legal representation at the City's expense in the above-mentioned case; and

WHEREAS, none of the attorneys employed by the Department of the Corporation Counsel are currently admitted before the Court, nor are any admitted to the Bar of the State of Utah with an active bar license there; and

WHEREAS, Local Rule 83-1.1(b)(1) of the Local Rules of the U.S. District Court, District of Utah, requires that an attorney be an active member in good standing of the Utah State Bar in order to be eligible to become a member of the bar of the Court; and

WHEREAS, in order to practice in a *pro hac vice* status before the Court, a nonresident attorney must retain, as associate counsel, a member of the Utah State Bar; and

WHEREAS, in accordance with the applicable Court rules, the Department of Corporation Counsel cannot represent DR. WILLIAM GOODHUE, on its own, in the above-identified litigation; and

WHEREAS Section 5-204 of the Revised Charter of the City and County of Honolulu 1973 (2000 Edition, as amended) ("RCH") provides for the appointment of a special deputy corporation counsel by the Corporation Counsel with the approval of the City Council; and



RESOLUTION

WHEREAS, based upon the foregoing, it is necessary to appoint and retain a special deputy corporation counsel to represent and defend the interests of DR. WILLIAM GOODHUE in the lawsuit; and

WHEREAS, the law firm of Snow, Christensen & Martineau possesses the specialized legal knowledge and expertise to defend DR. WILLIAM GOODHUE, as special deputies corporation counsel (collectively, "Special Deputy") in this lawsuit; now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:

1. Pursuant to RCH Section 5-204, the City Council authorizes the appointment and retention of the law firm of Snow Christensen & Martineau as Special Deputy to represent DR. WILLIAM GOODHUE in the defense of, and any appellate proceedings arising out of, the above-referenced matter;
2. The City and County of Honolulu shall pay Special Deputy at the rate of \$250.00 per hour for senior partners, \$230.00 per hour for junior partners, \$210.00 per hour for senior associates, \$190.00 per hour for junior associates, and \$115.00 per hour for paralegals for preparation for, research in connection with, and representation in the above-referenced matter, together with reasonable costs incurred in connection with its services;
3. The total sum to be expended to pay Special Deputy shall not exceed Ten Thousand Dollars (\$10,000.00), but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount;
4. Special Deputy may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and
5. The Director of Budget and Fiscal Services is authorized to execute a contract with the law firm of Snow, Christensen & Martineau for the legal representation of DR. WILLIAM GOODHUE in the above-referenced matter;

and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 15-211, FD1

RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and the law firm of Snow, Christensen & Martineau, 10 Exchange Place, Salt Lake City, Utah 84111.

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

July 23, 2015
Honolulu, Hawaii

Councilmembers